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Attorneys for Defendants Wyeth Pharmaceuticals,
a Division of Wyeth, Walter Wardrop, and
Michael McDermott

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (WCC)

**DECLARATION OF
JAMES H. MCQUADE IN SUPPORT
OF DEFENDANTS'
MOTION IN LIMINE NO. 3**

I, James H. McQuade, declare:


1. I am an attorney admitted to practice before this Court and am employed by Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Wyeth Pharmaceuticals, a Division of Wyeth, Walter Wardrop, and Michael McDermott ("Defendants") in the above-entitled action. I submit this Declaration in support of Defendants' Motion in Limine No. 3.

2. On or about October 30, 2006, Defendants served a motion for summary judgment against all of Plaintiff's claims. On or about November 27, 2006, Plaintiff served his opposition to Defendants' motion for summary judgment, which included the Affidavit of Howard Henry, a copy of which is attached hereto as Exhibit 1.

3. On or about July 30, 2007, the Court issued its Memorandum Decision and Order Granting in Part and Denying in Part Defendants' Motion for Summary Judgment and Reassigning the Action to White Plains Pursuant to Local Rule 22 (the "Order"). A true and correct copy of the Order is attached hereto as Exhibit 2.

Executed on December 19, 2007 at New York, New York.

I declare under penalty of perjury that the foregoing is true and correct.



James H. McQuade